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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2009-3447

JODIE MICHELLE CASILLAS
5010 W. 136th Street
Hawthorne, CA 90250

A C C U S A T I O N

Vocational Nurse License No. VN 213210

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On or about January 31, 2005, the Board issued Vocational Nurse License No. VN 213210 to Jodie Michelle Casillas (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2012, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2875 provides that the Board may discipline the holder of a vocational nurse
2 license for any reason provided in Article 3 (commencing with section 2875) of the Vocational
3 Nursing Practice Act.

4 5. Section 118, subdivision (b), provides, in pertinent part, that the suspension,
5 expiration, surrender and/or cancellation of a license shall not deprive the Board jurisdiction to
6 proceed with a disciplinary action during the period within which the license may be renewed,
7 restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an
8 expired license at any time within four years after the expiration.

9 **PERTINENT STATUTES AND REGULATIONS**

10 6. Section 2878 states, in pertinent part:

11 "The Board may suspend or revoke a license issued under this chapter [the Vocational
12 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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15 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
16 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
17 evidence of the conviction.

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19 "(j) The commission of any act involving dishonesty, when that action is related to the
20 duties and functions of the licensee. . . ."

21 7. Section 2878.5 states, in pertinent part:

22 In addition to other acts constituting unprofessional conduct within the meaning of this
23 chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed
24 under this chapter to do any of the following:

25 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
26 physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or
27 administer to another, any controlled substance as defined in Division 10 of the Health and Safety
28 Code, or any dangerous drug as defined in Section 4022.

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"(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof. . . ."

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in subdivision (b).

8. Section 4324, subdivision (a), states:

"Every person who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year."

9. California Code of Regulations, title 16, section 2521, states:

"For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. . . ."

DRUG STATUTE

10. Phentermine is a Schedule IV controlled substance as designated by California Health and Safety Code section 11057(f)(2) and is categorized as a dangerous drug pursuant to Business and Professions Code 4022.

COST RECOVERY

11. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of Substantially Related Crime)**

5 12. Respondent is subject to disciplinary action under section 2878, subdivision (f), in
6 conjunction with California Code of Regulations, title 16, section 2521, in that Respondent was
7 convicted of a crime substantially related to the qualifications, functions or duties of a licensed
8 vocational nurse. The circumstances are as follows:

9 a. On or about December 10, 2010, after pleading nolo contendere, Respondent was
10 convicted of one felony count of violating Business and Professions Code section 4324(a) [forge
11 prescription] in the criminal proceeding entitled *The People of the State of California v. Jodie*
12 *Michelle Casillas* (Super. Ct. Los Angeles County, 2010, No. YA077255). The Court sentenced
13 Respondent to two (2) days in jail, placed her on three (3) years probation, and ordered her to
14 complete 224 hours beach clean-up.

15 b. The circumstances underlying the conviction are that on or between July 17, 2009 and
16 December 13, 2009, Respondent used her position of employment as a licensed vocational nurse
17 at a medical office to access an on-line computer prescription dispensing program and the DEA
18 licenses of two (2) physicians to issue forged/illegal prescriptions for phentermine, a controlled
19 substance.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct: Drug Related Conviction)**

22 13. Respondent is subject to disciplinary action under sections 2878, subdivision (a), in
23 conjunction with 2878.5 subdivision (c), in that Respondent sustained a conviction related to
24 controlled substances and dangerous drugs. Complainant refers to and by this reference
25 incorporates the allegations set forth above in paragraph 12, subparagraphs a and b, inclusive, as
26 though set forth fully herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Prescribe Controlled Substance)**

3 14. Respondent is subject to disciplinary action under sections 2878, subdivision (a), in
4 conjunction with 2878.5 subdivision (a), in that Respondent unlawfully obtained and/or
5 prescribed controlled substances. Complainant refers to and by this reference incorporates the
6 allegations set forth above in paragraph 12, subparagraphs (a) and (b), inclusive, as though set
7 forth fully herein.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct: Falsify Drug Records)**

10 15. Respondent is subject to disciplinary action under sections 2878, subdivision (a), in
11 conjunction with 2878.5 subdivision (e), in that Respondent falsified records pertaining to
12 narcotics or dangerous drugs. Complainant refers to and by this reference incorporates the
13 allegations set forth above in paragraph 12, subparagraphs (a) and (b), inclusive, as though set
14 forth fully herein.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Dishonest Acts)**

17 16. Respondent is subject to disciplinary action under section 2878, subdivision (j), in
18 that Respondent committed acts of dishonesty related to the duties of a licensed vocational nurse.
19 Complainant refers to and by this reference incorporates the allegations set forth above in
20 paragraph 12, subparagraphs (a) and (b), inclusive, as though set forth fully herein.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board issue a decision:

24 1. Revoking or suspending Vocational Nurse License No. VN 213210, issued to Jodie
25 Michelle Casillas;

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2. Ordering Jodie Michelle Casillas to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: August 10, 2011



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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